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In Council of Censors Oct 17th 1785.

Resolved that it be and hereby is recommended to the Hon. the Legislature in their present session to repeal an act passed 10th June 1785. entitled "An Act to secure Daniel Marsh in the possession of a certain Farm until he shall have opportunity of recovering his Betterments and nullifying several Judgements rendered against him" 1st. Because said Act in effect destroys the power assigned by the Constitution to the Judicial department. 2d. Because it diverts one subject of his possession to land already determined to be his right by a Court and Jury. and arbitrarily vests it in another without the intervention of a Jury contrary to the 13th. Article in the Bill of Rights and the 22nd Section of the Frame of Government ——

3d. Because it gives Mr Marsh a greater priviledge than was thought proper by the Legislature to be given to other Subjects by the clause of an Act passed by them the preceeding day entitled "An Act for settling disputes respecting Lanced Property". as it enables him to enter his action for Betterments of the Land without first paying the costs of the Judgements recovered against him and by annulling those Judgements destroy Mr Whitneys remedy for his costs of suit.

4th. Because said Act appears to render void certain Judgments in forcible entry and detainer and of consequence remits fines which is a branch of Power assigned by the Constitution to the Governor and Council.

5th. That said Act not only takes the possession of the Land in dispute from Whitney and gives it to Marsh but hinders Whitney from commencing a suit for recovering his possession untill a final Judgement shall be rendered in the suit for Betterments and Whitney is then left to a course of litigation, to recover the possession which is thus extraordinarily wrested from him.

Extract from the Minutes

Jeez. Micah Townshend.

The above is a true Copy
compared by Ira Hopkins Clerk of Gen. Assembly.

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